

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2429 OF 2019

Gaurav Suryapal Singh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms. Tahera Qureshi, Advocate for the Applicant.
Ms. P.P. Shinde, A.P.P. for the Respondent-State.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 02nd JANUARY, 2020.

P.C.

Heard.

2. Applicant is seeking enlargement on bail in Crime No. I - 10 of 2018 registered with the Nerul Police Station, for the alleged offences punishable under Section 302 r/w Section 34 of the Indian Penal Code, 1860 and Sections 3, 25, 27 of Arms Act.

3. Since the case is not based on the circumstantial evidence, eye witness Amar Yadav in his

statement under Section 161 and 164 of Criminal Procedure Code, 1973 ('Cr.P.C.' for short) stated that the applicant opened gun shot on the deceased to which he succumbed on the spot. It is argued, it was an accident and the applicant had no intention to cause death of the deceased. However, it is his defence, which is to be tested after evidence is recorded. The presence of the applicant on the spot is not seriously disputed.

4. In view of the facts stated, the application is rejected.

(SANDEEP. K. SHINDE, J.)